In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.19556 of 2006

Date of Decision: 11.12.2006

Rattan Singh …Petitioner.

Versus

Union of India & Others …Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE M.M.S.BEDI

Present: Mr. R.S.Sangwan, Advocate
for the petitioner.

JUDGMENT

M.M.KUMAR, J. (ORAL)

The prayer made by the petitioner in the instant petition is for issuance of directions to grant the petitioner the disability pension at the rate of 50% as per the instructions dated 27.5.2002 (Annexure P1) and Division Bench judgment of this Court dated 17.8.2006 (Annexure P4). The interest of the arrears at the rate of 12% per annum has also been claimed.

Notice of motion.

Mrs.Renu Bala Sharma, Additional Central Government Standing Counsel, who is present in the Court accepts notice on our asking. Three copies of the petition have been furnished to her. With the consent of the parties, the petition is taken up for final disposal.

After hearing the learned counsel, we are of the considered view that the claim made by the petitioner deserves to be considered by the

respondent No.2 in the light of the instructions dated 27.5.2002 (Annexure P1) and our judgment dated 17.8.2006 (Annexure P4) because the issue as to whether any disability which is assessed at less than 50% is in accordance with the aforementioned instructions has to be rounded off to 50% as has been settled by this Court vide our judgment dated 17.8.2006 (Annexure P4) rendered in C.W.P.No.9979 of 2005. To that effect, the petitioner had already sent an advance legal notice on 7.10.2006 (Annexure P3). Therefore, the writ petition is disposed of with the direction to respondent No.2 to consider the advance legal notice (Annexure P3) sent by the petitioner and dispose of the same in accordance with the instructions dated 27.5.2002 (Annexure P1) and direction issued by this Court in CWP No.9979 of 2005 decided on 17.8.2006 (Annexure P4).

The needful shall be done within a period of two months from the date of receipt of a copy of this order.

Petition stands disposed of in above terms.

(M.M.KUMAR)
Judge

December 11, 2006 **(M.M.S.BEDI)**
dkb **Judge**